

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GARFIELD KING,

Plaintiff,

CIVIL CASE NO. 05-40274

v.

COMMISSIONER OF SOCIAL SECURITY,

HONORABLE PAUL V. GADOLA  
U.S. DISTRICT COURT

Defendant.  
\_\_\_\_\_ /

**ORDER ACCEPTING REPORT AND RECOMMENDATION**

Before the Court are the parties' cross motions for summary judgment and the Report and Recommendation of the Honorable R. Steven Whalen, United States Magistrate Judge. The Magistrate Judge recommends that this Court deny Defendant Commissioner's motion for summary judgment, grant Plaintiff's motion for summary judgment, and remand the case for further fact-finding and analysis. The Magistrate Judge served the Report and Recommendation on all parties on April 17, 2006 and notified the parties that any objections must be filed within ten days of service. Accordingly, any objections should have been filed by approximately May 5, 2006. Neither party filed objections to the Report and Recommendation.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those

findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the Report and Recommendation, the Court need not conduct a review.

**ACCORDINGLY, IT IS HEREBY ORDERED** that the Report and Recommendation [docket entry 13] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that the Defendant Commissioner’s motion for summary judgment [docket entry 12] is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff’s motion for summary judgment [docket entry 11] is **GRANTED**.

**IT IS FURTHER ORDERED** that this case be remanded to the Administrative Law Judge for further fact-finding and analysis.

**SO ORDERED.**

Dated: May 15, 2006

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on May 15, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

James A. Brunson; Mikel E. Lupisella, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(810) 341-7845